

Integrity Bulletin

February 2018

Peace Officer Standards & Training

Volume 1

POST Legislative Authority

Section 19-5107, Idaho Code

The Idaho Legislature formally established the POST Council for the purpose, among others, of establishing requirements for employment, retention, and training of law enforcement officers. This endeavor includes formulating standards of moral character and conduct, and other such matters as related to the competence, professionalism and reliability of law enforcement officers. Idaho Code also requires that when a peace officer resigns his/her employment or is terminated as a result of any disciplinary action, the employing law enforcement agency shall report the employment action to POST within 15 days.

Mission: To develop skilled law enforcement professionals who are committed to serving and protecting the people of Idaho.

Vision: To ensure that Idaho law enforcement professionals model the highest level of integrity and service through excellence in standards and training.

Decertification Process

The POST Council has the duty to decertify any certified Idaho peace, adult detention, corrections, reserve, or felony probation and parole officer; juvenile detention, corrections or probation officer; misdemeanor probation officer; or dispatcher who is convicted of any felony or offense that would be a felony if committed in the state of Idaho. The Council may also decertify any officer convicted of any misdemeanor or who falsifies or omits any material information to obtain certification status, or who violates any section of the POST Council's Code of Ethics/Standards of Conduct or any section of the POST



A Note from the POST Division Administrator

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The Integrity bulletin focuses on POST's continuing efforts to analyze acts of law enforcement officer misconduct that may warrant revocation of POST Certifications. We trust the information contained herein will bring heightened attention to the Idaho law enforcement community and will enhance its capacity to deter misconduct, improve public perception of Idaho's law enforcement officers and promote responsible, ethical discourse within Idaho law enforcement agencies.

- Victor McCraw

Council's Code of Ethics, Additional Cause for Decertification. Due Process procedures for decertification investigations, summary and non-summary decertification, hearings and reviews by the POST Council are provided in IDAPA Rule 11.11.01.092 entitled Due Process Procedures. The POST Council's Code of Ethics/Standards of Conduct are provided in IDAPA Rule 11.11.01.064 and the POST Council's Code of Ethics, Additional Cause for Decertification are provided in IDAPA Rule, 11.11.01.091.04.

OFFICE of PROFESSIONAL RESPONSIBLY

The Office of Professional Responsibility (OPR) is one of four divisions within the Idaho POST law enforcement academy. OPR is staffed by OPR Manager R. Daniel Smith and contract investigators located throughout the state. The contract investigators are retired and come from various federal, state and local law enforcement agencies. Under the direction of OPR Manager Smith, the investigators are assigned decertification investigations into allegations of misconduct and in this regard, are charged with completing thorough and competent investigations. It is the mainstay of POST's mission to maintain a lawful and ethical law enforcement profession for the people of Idaho.

DECERTIFICATION ACTIONS

The following narrative summaries of law enforcement misconduct and subsequent decertification investigation actions are taken from actual events that have occurred over the past several years. The identities of involved officers and agencies have been redacted to ensure applicable privacy rights are protected. These summaries are being provided in an effort to drive home the seriousness and the consequences of officer misconduct which may very well result in termination, resignation in lieu of termination and revocation of POST certification.

Incident #1

Lying to Law Enforcement during an Official Investigation, Failing to Cooperate with Law Enforcement
A county dispatcher was the subject of allegations that she had lied to county sheriff's deputies who were conducting an investigation into the whereabouts of a female juvenile runaway. The runaway was

suspected of being in the company of the dispatcher's son. When asked by the deputies if the runaway was in her residence with her son, she falsely denied it. The deputies later determined that the female and her son had been in her residence at the time. Upon being questioned by her supervisor, the dispatcher admitted that she had lied to the deputies. The

dispatcher resigned prior to an IA investigation. A decertification case was opened after which the dispatcher refused to be interviewed. After its completion, her POST certification was subsequently revoked. The dispatcher's actions violated sections .02 and .4 of IDAPA Rule 11.11.01.064 and sections a., d. and k. of IDAPA Rule 11.11.01.091.04.

Incident #2

Unauthorized Use of Force

A county sheriff's detention deputy became the subject of an IA investigation in connection with a use of force incident with an inmate. Video camera footage of the incident revealed that the deputy applied a head lock to gain the inmate's compliance after the inmate became verbally abusive; had refused a verbal order and had kicked a cart causing it to come into contact with the deputy's leg.

The IA investigation found that the deputy's actions were unreasonable and violated sheriff's office use of force policies. (Note: The deputy had been previously admonished relating to a use of force incident with an inmate after which he was found to have violated sheriff's office policies and was ordered to undergo remedial training.) The deputy was subsequently terminated. There were no apparent injuries in either incident.

A decertification investigation was opened and upon its completion,

the POST Division Administrator determined that the sheriff's office decision to terminate the deputy was appropriate in light of the IA investigation and the previous incident. However, the Division Administrator also found that while the deputy's actions appeared to be serious, they were considered to be performance related and did not warrant revocation of his certification. The matter was closed.

Incident #3

Lying During Pre-Employment Polygraph Examination

A POST certified law enforcement officer became the subject of a decertification investigation after he was found to have lied during a pre-employment polygraph examination with another law enforcement agency. During the pre-polygraph examination interview, the officer disclosed that when he was nineteen years old,

he had intimate sexual relations with a seventeen year old female. The officer asserted that this was the only time he ever engaged in sexual activity with anyone under the age of eighteen. However, when he was asked about criminal sexual acts with minors during the polygraph examination, he showed significant reactions indicative of deception. When he was confronted with these reactions, the officer then admitted that he had engaged in intimate sexual relations

with a minor when he was twenty four years old. The officer was employed with an Idaho law enforcement agency at the time. The officer later confirmed this during a decertification investigation interview. Following completion of the decertification investigation, the officer's POST certifications were revoked. The officer's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and sections a. and d. of IDAPA Rule 11.11.01.091.04.

Incident #4

False Reports and Dishonesty with Superiors

A city police officer became the subject of an Internal Affairs (IA) investigation in connection with a residential burglary call he was dispatched to Investigate. The officer responded by telephonically contacting the victim rather than actually proceeding to the victim's home. The officer thereafter falsely represented to his Sergeant that he had, in fact, responded to the victim's home. During the IA investigation, the Sergeant adamantly

denied the officer's version of events.

During the IA investigation, a previous burglary investigation report that had been prepared by the officer was reviewed and was found to contain false assertions by the officer. In this regard the officer falsely wrote that the suspect in the case refused to talk with him when, in fact, the officer never attempted to contact the suspect. The officer admitted to this during an IA investigation interview. During the IA investigation, the officer was also found to have lied to the IA investigator about briefing his Sergeant relating to a sexual assault case to

which he had been assigned.

The officer was allowed to resign from his agency. A decertification investigation was subsequently opened and despite repeated efforts to contact the officer to schedule an interview by a POST Special Investigator, he failed to respond. Upon completion of the investigation, the officer's POST certifications were revoked. The officer's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and sections d. and k. of IDAPA Rule 11.11.091.04.

Incident #5

Misdemeanor Domestic Violence Conviction

A POST certified law enforcement officer became the subject of an internal affairs (IA) investigation in connection with allegations that he had been involved in an alcohol related domestic dispute with his wife that resulted in his battering her. Local law enforcement was

dispatched to the residence of the altercation and after conducting its investigation, determined that there was a preponderance of evidence indicating that the officer did in fact batter his wife during the altercation. The officer was arrested and charged with Misdemeanor Domestic Battery.

The officer was also charged with Misdemeanor Battery on a crime scene technician who had responded to the scene of the altercation, and which charge was later dismissed. It is noted that the officer was less than candid during the criminal case. The officer pled guilty to the domestic violence charge and resigned shortly after an IA

investigation had been opened. A decertification investigation was opened and upon its completion, the officer's POST certifications were revoked. The officer's

actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and sections a. and k. of IDAPA Rule 11.11.01.091.04. It is also noted that the officer's misdemeanor domestic

violence conviction subjects him to the jurisdiction of the Lautenberg Amendment to the Gun Control Act of 1968.

Incident #6

Falsifying Official Communications, Failure to Cooperate with an Investigation

A POST certified law enforcement officer became the subject of an IA investigation in connection with allegations that he had lied about responding to a noise disturbance call to which he had been assigned. During an IA investigation interview, the officer admitted that he informed dispatch that he had arrived at the

scene and was in the process of conducting an "area search" to locate the noise disturbance when, in fact, he was four miles away. The officer also admitted that he went on to falsely clear the call with an "unable to locate", entering a UTL into his MDT log.

The IA investigation also identified a previous incident some months earlier when the officer was found to have lied to his Sergeant about acknowledging that he had received a "code 4 cancel assist" advisory from dispatch

in connection with a code 3 prowler call to which he had been assigned. A decertification case was opened and despite several efforts to contact the officer to schedule an interview by a POST Special Investigator, he failed to respond. Upon completion of the investigation, the officer's POST certifications were revoked. The officer's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and sections d. and k. of IDAPA Rule 11.11.01.091.04.

Did you know?

The following is a brief compendium of the elements of Title 18 U.S.C. Section 922(g) (9), known as the Lautenberg Amendment, which prohibits certain individuals from possessing firearms, ammunition or explosives. In this regard, persons who have been convicted in any court of qualifying misdemeanor crimes of domestic violence (MCDV) generally are prohibited under federal law from possessing any firearm or ammunition in or affecting commerce. A qualifying MCDV is an offense that:

Is a federal, state or local offense that is a misdemeanor under federal or state law; has as an element the use of or attempted use of physical force, or the threatened use of a deadly weapon; and at the time the MCDV was committed, the defendant was a current or former spouse, parent or guardian of the victim; a person with whom the victim shared a child in common; a person who was cohabitating with or had cohabitated with the victim as a spouse, parent or guardian; or, a person who was or had been similarly situated to a spouse, parent, or guardian of the victim.

There are exceptions to this law that would find a person has not been convicted of a qualifying MCDV in the following cases: If a person was not represented by counsel, unless he or she knowingly and intelligently waived the right to counsel; or, if the person was entitled to a jury trial and the case was not tried by a jury unless the person knowingly and intelligently waived the right to jury trial; or, if the conviction was set aside or expunged; the person was pardoned; or the person's civil rights (the right to vote, sit on a jury and hold elected office were restored if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense.